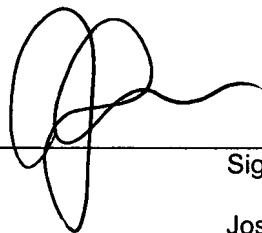




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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)
		JAR-1275-44
Application Number		Filed
09/833,651		April 13, 2001
First Named Inventor		NAKAI
Art Unit	Examiner	
2173	Pillai, Namitha	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>		
<p>I am the</p> <p><input type="checkbox"/> Applicant/Inventor</p> <p><input type="checkbox"/> Assignee of record of the entire interest. See 37 C.F.R. § 3.71. Statement under 37 C.F.R. § 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> Attorney or agent of record <u>37,515</u> (Reg. No.)</p> <p><input type="checkbox"/> Attorney or agent acting under 37CFR 1.34. Registration number if acting under 37 C.F.R. § 1.34 _____</p>		<p> Signature</p> <p>Joseph A. Rhoa</p> <p>Typed or printed name</p> <p>703-816-4043 Requester's telephone number</p> <p>April 16, 2007 Date</p>
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.*</p> <p><input checked="" type="checkbox"/> *Total of 1 form/s are submitted.</p>		

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

NAKAI et al.

Atty. Ref.: 1275-44; Confirmation No. 1740

Appl. No. 09/833,651

TC/A.U. 2173

Filed: April 13, 2001

Examiner: Pillai, Namitha

For: PRINT CONTROL OPERATION SYSTEM USING ICONS

* * * * *

April 16, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Pursuant to the OG Notice of July 12, 2005, applicant hereby requests a pre-appeal brief review of this case for at least the following reasons.

Claim 3 – Art Rejection

Claim 3 stands rejected under Section 103(a) as being allegedly unpatentable over Fitzpatrick. This Section 103(a) rejection is incorrect and is traversed for at least the following reasons.

Claim 3 requires that “*at a time point when a file icon of a file to be printed is superposed on said print icon, a printing preview of the file icon’s associated file to be printed is displayed on said display picture.*” For example, see the instant specification at pg. 4, lines 20-25; pg. 18, lines 9-15; and Figs. 7 and 11. As shown in Figs. 7 and 11 for example, a "printing preview" as called for in claim 3 is an image of at least part of what is going to be printed. This is

advantageous, for example, in that it permits a user to view and confirm contents of a file to be printed without having to open the file on an application (e.g., pg. 18, lines 12-15).

Fitzpatrick fails to disclose or suggest the aforesaid quoted aspect of claim 3. A "printing preview" as called for in claim 3 is an image of at least part of what is going to be printed as shown in Figs. 7 and 11. Fitzpatrick does not display such a printing preview of the file icon when the file icon is superposed on the print icon. There is nothing in Fitzpatrick even remotely related to this aspect of claim 3. Thus, the Section 103(a) rejection of claim 3 is incorrect and should be withdrawn.

Claim 1 – Section 112 Rejection

Claim 1 stands rejected under Section 112, first paragraph, in section 2 of the Office Action. The Office Action Examiner contends that "when the file icon is not located over the print icon" is not supported by the instant specification. This Section 112 is respectfully traversed for at least the following reasons. Claim 1 requires that print conditions are displayed on the display picture in a recognizable display form when the file icon is not located over the print icon. Fig. 2 and the instant application at page 11, lines 6-24, clearly illustrate and describe an example where print conditions are displayed in a recognizable form when the file icon is not located over the print icon. Thus, the instant specification supports this claims, and this Section 112, first paragraph, rejection should be withdrawn.

Moreover, during an Interview on October 31, 2006, the Examiner made clear that the Examiner is relying on the fact that the word "not" is not set forth in the instant specification as originally filed (in the context of print conditions being displayed when the file icon is "not" located over the print icon as recited in claim 1). However, this does not mandate a rejection. Fig. 2 and the corresponding specification portions illustrate print conditions being displayed

when the file icon 12 is not located over the print icon 11. Thus, the claim is supported and the Section 112 rejection should be withdrawn.

Claim 1 – Art Rejection

Claim 1 also stands rejected under 35 U.S.C. Section 103(a) as being allegedly unpatentable over Fitzpatrick in view of Hemenway. This Section 103(a) rejection is respectfully traversed for at least the following reasons.

Claim 1 requires that "the print icon is formed so that the display is altered according to a setting of the print conditions in said print icon, and said print conditions are displayed on said display picture in a *recognizable display form* when the file icon is not located over the print icon the print icon to which the file icon is dragged and dropped is an icon which limits on a specific function among print processing functions provided in a corresponding printer, and which issues a print command by a function which specifies the file icon for the printer when the file icon is dragged and dropped on the print icon, and wherein *the print icon can be generated on a screen of the display as a printer icon which is capable of directly designating at least one frequently used function among print processing functions possessed by the printer.*" Since print conditions may be displayed in accordance with a shape of a printer icon, when a document file is made dragging and dropping onto a printer icon, the printing conditions can be recognized without a particular operation such as hovering so that efficiency and convenience can be significantly improved in certain example embodiments of this invention. Moreover, in certain example embodiments of this invention, the print icon can be prepared to be a print icon capable of issuing a printer order by designating a desired function(s) among print processing functions which are possessed by the printer. The cited art fails to disclose or suggest the aforesaid quoted features of claim 1.

Fitzpatrick discloses a technique related to issuing printer orders of a file to a printer by dropping a dragged file icon by a mouse operation, onto a print icon. When the file icon is superposed on the print icon, a window picture for parameter setting is displayed so that it becomes possible to identify the print conditions.

However, claim 1 requires that *the print icon can be generated on a screen/desktop as a printer icon which is capable of directly designating at least one frequently used function among print processing functions possessed by the printer*. Fitzpatrick (and Hemenway) fails to disclose or suggest this feature. In particular, the print icon of claim 1 can be generated/prepared on an operating screen/desktop as a print icon capable of issuing a print order(s) by directly designating an often-utilized function(s) among print processing functions/features possessed by the printer. This is advantageous, for example, in that the user can optionally generate the icon by selecting a frequently utilized function(s) among print processing functions possessed by the printer. In contrast, Fitzpatrick fails to disclose or suggest that the print icon can be generated as required by claim 1. It is unclear how the print icon of Fitzpatrick is prepared. For example, if Fitzpatrick's print icon were prepared beforehand by a vendor who provided the print system, it would not be possible to generate the print icon on a desktop/screen which would be frequently used by a user.

Thus, even the alleged combination (which applicant believes would be incorrect in any event) still fails to meet the invention of claim 1.

Furthermore, Fitzpatrick discloses that a dragged document icon is hovered over a print icon for a few seconds. By continued hovering of the document icon over/on the print icon, a dialog box for altering print conditions is displayed. Thus, Fitzpatrick discloses that print conditions are displayed when a certain operation is made on a printer icon, but that print

conditions cannot be recognized unless the operation is carried out. In particular, in Fitzpatrick print conditions are displayed *only* when such hovering over/on the print icon is performed. Accordingly, it can be seen that Fitzpatrick *fails* to disclose or suggest that print conditions are displayed on said display picture in a *recognizable display form when the file icon is not located over the print icon* as required by claim 1. Instead, Fitzpatrick teaches directly away from this aspect of claim 1 and cannot render the same unpatentable. In this respect, Hemenway also fails to disclose or suggest that "print conditions are displayed on said display picture in a *recognizable display form* when the file icon is not located over the print icon" as required by claim 1. Hemenway discloses that print conditions are displayed on a different window; hence it is very inconvenient for recognizing when dragging and dropping is carried out. Since both cited references fail to disclose or suggest at least the "recognizable display form" aspect of claim 1, then even the alleged combination (which is incorrect in any event) fails to meet the invention of claim 1 for this additional reason.

If any minor matter remains to be resolved, the Examiner is invited to telephone the undersigned with regard to the same.

Respectfully submitted,

NIXON & VANDERHYE P.C.

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